

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS, INC., and SELIM ZHERKA,

Plaintiffs,

-against-

PHILIP AMICONE, individually, EDMUND HARTNETT, individually, JOHN A. LISZEWSKI, individually, CITY OF YONKERS, New York, PAUL WOOD, individually, POLICE OFFICERS JOHN DOES #1 TO #20, individually, and SANITATION WORKERS #1 to #20,

Defendants.

ECF Case

07 Civ. 7078

NOTICE OF MOTION

Defendants, Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually, by their attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court, pursuant to local Civil Rule 1.4, before the Honorable Charles L. Brieant, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York on a date to be determined by the Court, for an Order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants, Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually, replacing the law firm of Thacher Proffitt & Wood LLP.

Dated: White Plains, New York
February 29, 2008

DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP

By: Kevin N. Plunkett

Kevin N. Plunkett
One North Lexington Avenue
White Plains, New York 10601
(914) 681-0200

TO:

Attorneys for Plaintiffs

LOVETT & GOULD, LLP
Jonathan Lovett, Esq.
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS, INC., and SELIM ZHERKA,

Plaintiffs,

-against-

PHILIP AMICONE, individually, EDMUND
HARTNETT, individually, JOHN A. LISZEWSKI,
individually, CITY OF YONKERS, New York, PAUL
WOOD, individually, POLICE OFFICERS JOHN
DOES #1 TO #20, individually, and SANITATION
WORKERS #1 to #20,

Defendants.

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Kevin J. Plunkett, being duly sworn, deposes and says:

1. I am a partner in the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, One North Lexington Avenue, White Plains, New York 10601. I am admitted to practice before this Court. Pursuant to Local Civil Rule 1.4, I submit this affidavit in support of an application for an order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually (collectively, "Defendants"), in the above-captioned action, for Thacher Proffitt & Wood LLP, 50 Main Street, White Plains, New York 10606.

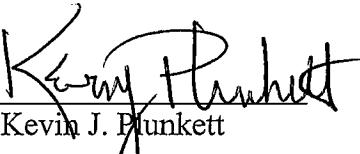
2. I recently moved my practice from Thacher Proffitt & Wood LLP to DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.

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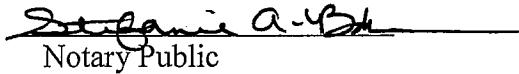
**AFFIDAVIT OF
KEVIN J. PLUNKETT**

3. This substitution is sought at the request of Defendants who have informed me that they wish for me to continue working on this matter at my new firm.



Kevin J. Plunkett

Sworn to before me this
25 day of February, 2008



Notary Public

STEFANIE A. BASHAR
NOTARY PUBLIC, State of New York
No. 01BA5069728
Qualified in Westchester County
Commission Expires December 2, 2010